

Dated: December 7, 2020



Brenda K. Martin

Brenda K. Martin, Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

**ROBERT THOMAS BACK AND
LINDA MARIE BACK**

Debtor.

Chapter 11 Proceedings

Case No. 2:19-BK-13684-BKM

ORDER:

- 1. SETTING CONFIRMATION HEARING; AND**
- 2. FIXING DEADLINES TO**
 - (i) MAKE § 1111(b) ELECTION,**
 - (ii) OBJECT TO PLAN,**
 - (iii) VOTE ON PLAN, and**
 - (iv) OBJECT TO DISCHARGE**

On November 20, 2020, the Debtor filed a Plan of Reorganization for Small Business Debtor Under Chapter 11 (Subchapter V) [DE #217] (the "Plan").

IT IS ORDERED AND NOTICE IS HEREBY GIVEN THAT:

- 1. HEARING ON CONFIRMATION OF THE PLAN:** The Court will consider whether to confirm the Plan at a hearing on January 20, 2021, at 11:00 a.m. ("Confirmation Hearing"). The Confirmation Hearing will be held telephonically. Parties shall appear by calling (877) 336-1829, access code 5564497, several minutes before the hearing. The Status Hearing set on 1/05/2021 at 11:00 AM is vacated.

1 **2 DEADLINE TO MAKE § 1111(b)(2) ELECTION:** Any secured creditor
2
3 that wishes to make an election under 11 U.S.C. § 1111(b)(2) must do so no later than seven
4 (7) calendar days prior to the initial Confirmation Hearing.

5 **3 DEADLINE TO OBJECT TO THE PLAN:** Any party desiring to object to
6 confirmation of the Plan must file a written objection with the Court via the Electronic Court
7 Filing System or, if the objecting party is not an authorized user of the System, then by
8 delivering the objection to the Court Clerk of the Court¹. The objection must be filed by no
9 later than seven (7) calendar days prior to the initial Confirmation Hearing. Any party that
10 files an objection to confirmation of the Plan must serve a copy of the objection on the
11 Debtor's Attorney and Subchapter V Trustee at the following addresses:

12 *Patrick F. Keery*
13 *Debtors' Attorney*
14 *Keery McCue, PLLC*
 6803 E. Main Street, Ste. 1116
 Scottsdale, AZ 85251

15 *Lynton Kotzin*
16 *Subchapter V Trustee*
17 *Kotzin Valuation Partners*
18 *2800 N. Central Ave., #1725*
 Phoenix, AZ 85004

19 **4. DEADLINE TO VOTE:** The Debtor shall provide creditors with a copy of
20 a ballot conforming to Official Form No. 14 ("Ballot"). Any creditor desiring to vote for or
21 against confirmation of the Plan must complete and sign a Ballot. To be timely, a completed
22 Ballot must be received by the Debtor's Attorney at the address listed in paragraph 3 above,
23 by no later than seven (7) calendar days prior to the initial Confirmation Hearing.

24 **5. DEADLINE TO OBJECT TO DISCHARGE:** The date of the initial
25 Confirmation Hearing is the deadline for any creditor to file a complaint objecting to the
26 discharge of an individual Debtor(s). Fed. R. Bankr. P. 4004(a).

27
28 ¹ The Clerk's office in Phoenix is located at the U.S. Bankruptcy Court, 230 N. First Ave.,
Suite 101, Phoenix, AZ 85003 and the Clerk's office in Tucson is located the U.S. Bankruptcy
Court, 38 S. Scott Ave., Suite 100, Tucson, AZ 85701

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2 **6. BALLOT REPORT:** The Debtor shall file a report, consistent with
3 Local Bankruptcy Rule 3018-1, no later than three (3) business days prior to the initial
4 Confirmation Hearing.

5 **7. SERVICE OF THIS ORDER, THE PLAN AND BALLOTS:** Pursuant to
6 Bankruptcy Rule 3017(d), the Debtor shall serve a copy of this Order, the Plan, and a Ballot
7 (collectively, the “Plan Documents”) on:

8 All creditors,

9 The United States Trustee; and

10 The Subchapter V Trustee.

11
12 **8. TIMING OF SERVICE:** Pursuant to Bankruptcy Rule 2002(b), the Plan
13 Documents shall be served so that creditors have not less than twenty-eight (28) days to
14 file objections to confirmation and to vote on the Plan.

15 **9. CERTIFICATE OF SERVICE:** Promptly after serving the Plan Documents,
16 the Debtor shall file with the Court a certificate or affidavit evidencing such service.

17 **10. PROCEDURE IF A PLAN OBJECTION IS FILED:** If a party objects
18 to confirmation of the Plan, the initial Confirmation Hearing will be a non-evidentiary
19 hearing. If additional evidence or argument is required, beyond what the Proponent must
20 present to comply with Section 11 below, the Court will set an additional hearing.

21 **11. PROCEDURE IF NO PLAN OBJECTION IS FILED:** If no party objects
22 to confirmation of the Plan, the Court may confirm the Plan at the Confirmation Hearing if
23 the Debtor presents sufficient evidence (e.g., witness testimony, declaration, or documents)
24 to allow the Court to make findings required by Bankruptcy Code § 1129, 1190, and 1191.

25 **DATED AND SIGNED ABOVE.**